REMARKS

Claims 72-73, 75-80, 82-84, 91-92 and 98-99 are in the case. Non-elected claims 1-5, 9, 11, 13-17, 59-67, 69-71, 93-95, 97 and 100-102 have been cancelled. Claims 74 and 77 have also been cancelled. Claim 72 has been amended. Claims 73, 75-80, 82-84, 91-92 and 98-99 remain the same.

Claims 72-80, 82-84, 91-92 and 98-99 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-9 of U.S. Patent No. 6,120,985. A terminal disclaimer is submitted herewith, and thus Applicants respectfully request that this rejection be withdrawn.

Claims 74 and 77 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. While Applicants do not concede that the Examiner's position is correct, these claims have been cancelled in order to expedite prosecution.

Claim 72 has been amended to clarify that the molecules are released from the lysed cells. This amendment does not affect patentability.

Attached is a marked-up version of the changes being made by the current amendment.

Applicants ask that all claims be allowed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

John W Freeman Reg. No. 29,066

Date: September 20, 2002 Reg. No. 29,066

Celia H. Leber
Reg. No. 33,524

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Version with markings to show changes made

In the claims:

Claims 1-5, 9, 11, 13-17, 59-67, 69-71, 74, 77, 93-95, 97 and 100-102 have been cancelled.

Claim 72 has been amended as follows:

72. A method [for the isolation] of releasing molecules from cells, the method comprising:

exposing the cells to an elevated pressure of at least 500 psi in a pressure chamber to form lysed cells; [and

separating] whereby the molecules are released from the lysed cells within the pressure chamber.